

# **Town Board Minutes**

## **Meeting No. 5**

### **Regular Meeting**

**February 28, 2005**

## ***Town Board Minutes***

February 28, 2005

Meeting No. 5

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 28<sup>th</sup> day of February at 8:00 P.M. and there were

**PRESENT:** DANIEL AMATURA, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
ROBERT LABENSKI, TOWN ENGINEER  
RICHARD SHERWOOD, TOWN ATTORNEY  
GEORGE PEASE, ASSISTANT BUILDING INSPECTOR  
GARY STOLDT, CHIEF OF POLICE  
CHRISTINE FUSCO, ASSESSOR  
TERRENCE McCracken, GENERAL CREW CHIEF

### **EXECUTIVE SESSION:**

UPON MOTION DULY MADE BY COUNCIL MEMBER AMATURA, SECONDED BY COUNCIL MEMBER STEMPIAK, to deliberate in Executive Session for the announced purpose of contract discussions which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

At 9:59 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

### **PERSONS ADDRESSING TOWN BOARD:**

**Brett, James**, 659 Harris Hill Road, spoke to the Town Board on the following matters:

- Asked if the Town Board has received the final cost analysis for the Walden Avenue complex from the consultants.
- Stated that the 2005 county tax has increased significantly as it relates to Medicaid.

**Chowaniec, Lee**, 93 Northwood Drive, spoke to the Town Board on the following matter:

- Stated his opposition to all tax increases and particularly to the Town Board's resolution this date.

**Fronczak, Mike**, 3 Woodstream Drive, spoke to the Town Board on the following matters:

- Expressed concerns about street names within Nicholas Heights Subdivision on south side of William Street.
- Offered to donate his vacant land to the Town of Lancaster if the Town requires the developer to connect Nicholas Heights Subdivision and Michael's Landing Subdivision.
- Requested the Town trade Town owned land behind his house with the vacant land he owns.

**Howell, Gary**, 48 Park Blvd, spoke to the Town Board on the following matter:

- Expressed opposition to all tax increases and particularly to the Town Board's resolution this date.

**Ricci, Mark**, 37 Sussex Lane, spoke to the Town Board on the following matter:

- Asks that the Town seriously considers a revaluation of assessments.

**Komendat, Lawrence**, 514 Hall Road, spoke to the Town Board on the following matter:

- Questions about Como Park staffing and closure by Erie County.

**PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:**

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon Local Law No. 2 of the Year 2005, which Local Law repeals in its entirety §46-35.1 through §46-35.5 entitled "Surcharge on Vehicles and Traffic Offenses".

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
None		

ON MOTION BY COUNCIL MEMBER RUFFINO, AND SECONDED BY COUNCIL MEMBER STEMPNIAK, FOR ADJOURNMENT OF THE PUBLIC HEARING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:32 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

February 28, 2005

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED**, that the minutes of the Regular Meeting of the Town Board held  
February 8, 2005 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STERN	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 28, 2005

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED  
ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the General Crew Chief of the Parks and Recreation Department of the Town of Lancaster by letter dated February 10, 2005 has recommended the appointment of Joseph Dennis, Sr. to the position of Van Driver, at the Senior Citizens Center of the Town of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Joseph Dennis, Sr., 59 W. Drullard Avenue, Lancaster, New York be and is hereby appointed to the position of Van Driver, permanent, part-time, at the Senior Citizens Center of the Town of Lancaster, at \$7.25 per hour, and that this appointment, being a part time position, provides no health insurance, sick days, vacation or other fringe benefits not specifically mandated for part time employees.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 28, 2005

file: Rpers\Rperstc.p1 (P5)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Bowmansville Volunteer Fire Association, Inc., by letter dated February 5, 2005 has requested the addition of a member to the membership roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the following addition to the membership of the Bowmansville Volunteer Fire Association:

ADDITION - Non-Resident Probationary Active Member:

Joseph J. Barrett  
15 Hatch Court  
Cheektowaga, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 28, 2005

File: RFIRES (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, Advantage Trucks & Salvage Inc., 933 Ransom Road, Lancaster, New York 14086 has applied for a renewal license to conduct a salvage yard on premises situate at 933 Ransom Road within the Town of Lancaster, pursuant to Chapter 4-3 of the Code of the Town of Lancaster, and

**WHEREAS**, the application was referred to the Town Board for review, and

**WHEREAS**, the Building Inspector has notified the Town Board that he has completed his review and made a favorable recommendation thereto.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Advantage Trucks & Salvage Inc., 933 Ransom Road, Lancaster, New York be and is hereby authorized to conduct a salvage yard on premises situate at 933 Ransom Road, Lancaster, New York for the period January 1, 2005 to December 31, 2005 in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 28, 2005

File: rsalvage yard license (P5)



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the Highway Superintendent of the Town of Lancaster has requested the purchase of one (1) new and unused chipper for the use of the Highway Department, and

**WHEREAS**, the Highway Committee of the Town Board recommends that such purchase be authorized;

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

2. That Bids be received by the Town Clerk on March 17, 2005 at 10:00 o'clock A.M. Local Time at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purpose of purchasing one (1) new and unused chipper for the use of the Highway Department in accordance with specifications on file in the Town Clerk's Office, and

2. That the Town Clerk be and is hereby authorized to place a Notice to Bidders in the Lancaster Bee, post notices thereof as required by law and further mail notices to all heavy equipment suppliers in Erie County, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 28, 2005

**LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE TO BIDDERS**

**NOTICE IS HEREBY GIVEN**, that sealed bids will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, in the Council Chamber of the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 o'clock A.M., Local Time, on the 17<sup>th</sup> day of March, 2005, for the purpose of providing one (1) new and unused chipper to the Town of Lancaster for the use of the Highway Department, in accordance with specifications on file in the Town Clerk's Office in the Town Hall, 21 Central Avenue, Lancaster, New York.

A Certified Check or Bid Bond in an amount representing five percentum (5%) of the total bid, payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Board reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN**  
Town Clerk

February 28, 2005

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

**WHEREAS**, the Town Board adopted a new fee schedule for fire inspections by local law adopted December 6, 2004, and

**WHEREAS**, it has been brought to the Board's attention that there is a subsection contained within the Chapter which appears inconsistent with the new fee schedule which was inadvertently not deleted, and

**WHEREAS**, the Town Board deems it in the public interest to conform Chapter 20 entitled "Fire Prevention and Building Code" to the newly adopted fire inspection fee schedule, and

**WHEREAS**, after review and consideration, the Town Board of the Town of Lancaster deems it in the public interest to amend Chapter 20, Fire Prevention and Building Code, by the repeal in its entirety of Section 20-4 (C) (1) (g).

**A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LANCASTER, BY DELETING IN ITS ENTIRETY Section 20-4 (C) (1) (g) OF CHAPTER 20 - FIRE PREVENTION AND BUILDING CODE.**

**BE IT ENACTED** by the Town Board of the Town of Lancaster as follows:

**SECTION 1:** That Section 20-4 (C) (1) (g) of Chapter 20 - Fire Prevention and Building Code be and is hereby repealed in its entirety.

**SECTION 2:** This Local Law shall become effective upon filing with the Office of the Secretary of State.

**NOW, THEREFORE, BE IT  
RESOLVED, as follows:**

1. That pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster, a Public Hearing on a proposed Local Law of the Year 2005, which local law repeals in its entirety Section 20-4 (C) (1) (g) of Chapter 20, Fire Prevention and Building Code, of the Code of the Town of Lancaster, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York 14086, at 8:30 o'clock P.M. Local Time, on the 21<sup>st</sup> day of March 2005, and that Notice of the Time and Place of such Hearing shall be published on March 3, 2005 in the Lancaster Bee, being a newspaper of general circulation in said Town, which Notice shall be in the form attached hereto and made a part hereof, and

2. That the Town Clerk is hereby directed to make copies of this proposed Local Law for the Year 2005, for inspection by and distribution to any person during business hours.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 28, 2005

File: rlocallawamendfireinspectionfec205

**LEGAL NOTICE  
PUBLIC HEARING  
PROPOSED LOCAL LAW  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted February 28, 2005, the said Town Board will hold a Public Hearing on the 21<sup>st</sup> day of March, 2005, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon a proposed Local Law of the Year 2005, which Local Law repeals in its entirety, Section 20-4 (C) (1) (g) of Chapter 20, Fire Prevention and Building Code of the Code of the Town of Lancaster.

**"A LOCAL LAW TO REPEAL SECTION 20-4 (C) (1) (g) WITHIN  
CHAPTER 20, FIRE PREVENTION AND BUILDING CODE"  
WHICH IS INCONSISTENT WITH THE NEWLY ADOPTED FIRE  
INSPECTION FEE SCHEDULE."**

A complete copy of the Local Law repealing Section 20-4 (C) (1) (g) within Chapter 20, "Fire Prevention and Building Code" of the Code of the Town of Lancaster, is available at the office of the Town Clerk for inspection and distribution to any person during business hours.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

By: **JOHANNA M. COLEMAN**  
Town Clerk

February 28, 2005

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA , WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

**WHEREAS**, Local Law No. 2 of the Year 2005 repealing and deleting §46-35.1 through §46-35.5 entitled "Surcharge on Vehicles and Traffic Offenses." of Article XXIV of Chapter 46 - Vehicle and Traffic of the Code of the Town of Lancaster was introduced to the Town Board of the Town of Lancaster on February 8, 2005, and

**WHEREAS**, a public hearing was duly called and held pursuant to law on February 28, 2005;

**WHEREAS**, after due review and consideration, the Town Board deems it in the public interest to cause the repeal of §46-35.1 through §46-35.5 entitled "Surcharge on Vehicles and Traffic Offenses." a local surcharge on convictions rendered in the Town Justice Court;

**NOW, THEREFORE, BE IT**

**ENACTED** by the Town Board of the Town of Lancaster, Local Law No. 2 of the Year 2005, repealing and deleting §46-35.1 through §46-35.5 entitled "Surcharge on Vehicles and Traffic Offenses." of Article XXIV of Chapter 46 - Vehicle and Traffic of the Code of the Town of Lancaster.

**CHAPTER 46**  
**VEHICLE AND TRAFFIC**  
**ARTICLE XXIV**  
**SURCHARGE ON VEHICLES AND TRAFFIC OFFENSES**  
**§46-35.1 - §46-35.5**  
**LOCAL LAW NO. 2**  
**OF THE YEAR 2005**

**LOCAL LAW NO. 2 OF 2005 TO AMEND THE CODE OF THE TOWN OF LANCASTER, BY DELETING IN ITS ENTIRETY §46-35.1 - §46-35.5 ENTITLED "SURCHARGE ON VEHICLES AND TRAFFIC OFFENSES." OF ARTICLE XXIV OF CHAPTER 46 - VEHICLE AND TRAFFIC.**

**BE IT ENACTED** by the Town Board of the Town of Lancaster, as follows:

**SECTION 1:** That §46-35.1 - §46-35.5 "Surcharge on Vehicles and Traffic Offenses" of Article XXIV of Chapter 46 - Vehicle and Traffic be and is hereby repealed in its entirety.

**SECTION 2.** This proposed Local Law shall become effective upon filing with the Office of the Secretary of State.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Town Clerk of the Town of Lancaster shall:

1. Immediately post a copy of the proposed Local Law of the Year 2005 on the Town Bulletin Board.
2. Within ten (10) days, publish a certified copy of the proposed Local Law abstract thereof describing the same in general terms in the Lancaster Bee, declared the official newspaper for this publication;
3. Maintain a file in the Town Clerk's Office on the proposed Local Law of the Year 2005, with all proofs of publication and posting required for adoption, and
4. File certified copies of Local Law No. 2 of the Year 2005 within ten (10) days of adoption:
  - a) Town Clerk's office
  - b) One (1) copy with the Office of the Secretary of State.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 28, 2005

**LEGAL NOTICE  
NOTICE OF ADOPTION  
LOCAL LAW NO 2  
OF THE YEAR 2005  
TOWN OF LANCASTER**

**PLEASE TAKE NOTICE** that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on February 28, 2005, Local Law No. 2 of the Year 2005, deleting and repealing §46-35.1 - §46-35.5 "Surcharge on Vehicles and Traffic Offenses" of Article XXIV of Chapter 46 - Vehicle and Traffic of the Code of the Town of Lancaster briefly described as follows:

**"A LOCAL LAW TO REPEAL A LOCAL SURCHARGE ON  
CONVICTIONS RENDERED IN THE TOWN JUSTICE COURT  
PURSUANT TO THE ENABLING AUTHORITY OF SECTION  
1809-D OF THE VEHICLE AND TRAFFIC LAW, AS ADDED BY  
CHAPTER 56 OF THE LAWS OF 2004."**

**STATE OF NEW YORK  
COUNTY OF ERIE  
TOWN OF LANCASTER**

:  
: ss:  
:

**THIS IS TO CERTIFY**, that I, **JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in said County of Erie, have compared the foregoing copy of a Legal Notice of Adoption of Local Law No. 2 of the Year 2005, with the original thereof filed in my office at Lancaster, New York, on the 28<sup>th</sup> day of February, 2005, and that the same is a true and correct copy of said original and of the whole thereof.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Seal of said Town, this 28<sup>th</sup> day of February, 2005.

Johanna M. Coleman, Town Clerk

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

By: **JOHANNA M. COLEMAN**  
Town Clerk

February 28, 2005



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, a vacancy exists due to a retirement in the position of Public Safety Dispatcher in the Town of Lancaster Police Department, and

**WHEREAS**, the current civil service eligibility list for the position of Public Safety Dispatcher has been duly canvassed by the Chief of Police of the Town of Lancaster and Terri Holtz qualifies for appointment to this position pursuant to the procedures as set forth in the Civil Service Law, and

**WHEREAS**, the Town of Lancaster Chief of Police by memorandum dated February 22, 2005 has recommended the appointment of Terri Holtz to fill this position of Public Safety Dispatcher in the Town of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Terri Holtz be and is hereby appointed to the position of Public Safety Dispatcher in the Police Department in the Town of Lancaster effective March 3, 2005 at the starting salary of ~~\$32,744~~, on step, at 75% of full salary in accordance with the 2005 Schedule of Salaries for this position. *\$31,790 MP*

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 28, 2005

File: RPERS.CIV (17)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Chief of Police of the Town of Lancaster has requested the  
Town Board to advertise for bids to furnish six (6) new 2005 Police Vehicles and one (1) new  
2005 P53 SE Taurus Sedan, for use by the Police Department, and

**WHEREAS**, the Public Safety Committee of the Town Board has approved  
such request;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Notice to Bidders and/or Automobile Dealers, in form  
attached hereto and made a part hereof, be published in the Lancaster Bee and posted according  
to Law, that the Town will receive bids up to 10:00 o'clock A.M. Local Time, on March 16th,  
2005 at the Town Hall, 21 Central Avenue, Lancaster, New York, for the furnishing of six (6)  
new 2005 Police Vehicles and one (1) new 2005 P53 SE Taurus Sedan for use by the Police  
Department of the Town of Lancaster, in accordance with specifications on file in the office of  
the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 28, 2005

File: mpolicebids205

**LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE TO BIDDERS  
AND/OR  
AUTOMOBILE DEALERS**

**NOTICE IS HEREBY GIVEN** that sealed bids and/or proposals will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, at the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 A.M., Local Time, on the 16th day of March 2005, for furnishing six (6) new 2005 Police Vehicles and one (1) new 2005 P53 SE Taurus Sedan for use by the Police Department of the Town of Lancaster, in accordance with specifications on file in the Town Clerk's Office, 21 Central Avenue, Lancaster, New York.

A certified check or bid bond in the amount of One Thousand Dollars (\$1,000.00), payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Town reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN  
Town Clerk**

February 28, 2005

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS, Joseph M. Brainard, owner of Star Collision, situate at 5454 Genesee Street in the Town of Lancaster, has submitted an application for a Special Use Permit for a Collision Shop in accordance with provisions of Chapter 50-Zoning, Section 20 (B) of the Code of the Town of Lancaster;**

**NOW, THEREFORE, BE IT**

**RESOLVED,** that pursuant to Chapter 50-Zoning, Section 20 (B), entitled "Commercial Motor Service District" of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for a Collision Shop on premises locally known as 5454 Genesee Street in the Town of Lancaster, New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 21<sup>st</sup> day of March 2005, 8:30 o'clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Eric County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUT	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 28, 2005

File: rspecialusestarcollision205

**LEGAL NOTICE  
PUBLIC HEARING  
SPECIAL USE PERMIT - STAR COLLISION  
5454 GENESEE STREET**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the authority set forth in Chapter 50-Zoning, Section 20 (B) "Commercial Motor Service District" of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 28<sup>th</sup> day of February, 2005 the said Town Board will hold a Public Hearing on the 21<sup>st</sup> day of March, 2005, at 8:35 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of Joseph M. Brainard, owner of Star Collision, for a Special Use Permit for a Collision Shop on premises locally known as 5454 Genesee Street, Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN  
Town Clerk**

February 28, 2005

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid from  
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director  
of Administration and Finance, to wit:

Claim No. 13746 to Claim No. 14056 Inclusive

Total amount hereby authorized to be paid: \$656,128.14

The question of the foregoing resolution was duly put to a vote on roll call which  
resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 28, 2005

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby  
reaffirmed:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are  
waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

**NEW PERMITS:**

12542	Ulrich Sign Co.	6363 Transit Rd	Er. Sign
12543	Marrano/Marc Equity	26 Avian Way	Er. Dwlg.-Sin.
12544	Marrano/Marc Equity	28 Avian Way	Er. Dwlg.-Sin.
12545 SW	Calamar Construction	4831 William St	Er. Dwlg.-Sin.
12546	Wilcox Bros Sign Inc	6363 Transit Rd	Er. Sign-Wall
12547	Wilcox Bros Sign Inc	4779 Transit Rd	Er. Sign-Wall
12548	Patio Enclosures	14 Parkedge Dr	Er. Res. Add.
12549	Randaccio Builders	11 Chestnut Corner	Er. Dwlg.-Sin.
12550	Christopher, John	24 Sagebrush Ln	Er. Deck
12551	Marrano/Marc Equity	22 Avian Way	Er. Dwlg.-Sin.

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for  
sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement  
for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for  
conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance  
required for sidewalks, however, the waiver is granted upon the expressed condition that the  
Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the  
expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on  
roll call which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 28, 2005

File: Rbldg2

**SUSPENDED RESOLUTION:**

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolution:

Council Member Amatura moved to suspend the necessary rules for immediate consideration of the following resolution, seconded by Council Member Montour, which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

**SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has by Town Board resolution adopted on November 16, 2004 memorialized the County Executive and the County Legislature to seek additional revenue sources for the County and now desires to implore the County to specifically increase revenue by increasing certain "user " taxes which would involve a request to the NYS Legislature and Governor to permit the County of Erie to increase (1) the hotel bed tax from 5% to 8%, and, (2) the sales tax on alcohol beverages, tobacco products and gasoline from 8.25% to 13.25%; and

**WHEREAS**, the Legislature has not previously acted in regard to making requests of the State to increase the ability of the County to gain increased revenue from these user type sources which will not adversely affect county residents, and

**WHEREAS**, the Town Board believes firmly that these additional revenue sources can be used by the County to address its budget shortfall;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby renews its exhortation to the County Legislature and County Executive to find new revenue sources and to seek authorization from the New York State Legislature to increase the hotel bed tax for the County of Erie to 8%, to permit the County of Erie to increase sales tax on alcoholic beverages and tobacco products to 13.25% and to further permit the County of Erie to increase the sales tax on gasoline to 13.25%, these upward sales tax revisions being user oriented and appropriate for the County of Erie to close its budget deficit.



The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STAMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

February 28, 2005

File: rta205

## COMMUNICATIONS & REPORTS:

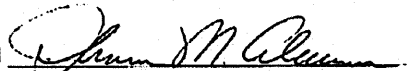
83. Town Clerk to Town Board -  
Transmittal of monthly report for January 2005. DISPOSITION = Received & Filed
84. Bluebonnet Consulting, Inc. to Town Clerk -  
Advisement of liquor license renewal application for Fox Valley Golf Club.  
DISPOSITION = Town Attorney
85. Bowmansville Volunteer Fire Association to Town Clerk -  
Request for change in roster. DISPOSITION = Resolution 2/28/05
86. NYS DEC to Supervisor -  
Notification of Lead Agency Designation regarding Deer Run Estates; concerns noted.  
DISPOSITION = Planning Committee
87. NYS DEC to Town Attorney -  
Comments regarding revised sketch plan for proposed Pleasant Heights Subdivision.  
DISPOSITION = Planning Committee
88. Erie County Department of Environment & Planning to Town Attorney -  
Notification of Lead Agency Designation regarding proposed CarQuest Distribution Center, south side of Walden Avenue, north of Lancaster Airport. DISPOSITION = Planning Committee
89. Town of Clarence to Town Board -  
Solicitation of Lead Agency status for Town of Clarence regarding Subdivision Law Amendment. DISPOSITION = Received & Filed
90. General Crew Chief to Supervisor -  
Request appointment of Van Driver for Senior Center. DISPOSITION = Resolution 2/28/05
91. Highway Superintendent to Town Board -  
Request resolution to solicit bids for chipper. DISPOSITION = Resolution 2/28/05
92. Erie County Division of Planning to Town Board -  
Comments regarding proposed elimination of Community Development Block Grant funding in the 2006 Federal Budget. DISPOSITION = Received & Filed
93. NYS DEC to Supervisor -  
Notice of meetings to be held on March 15 & 16, 2005 regarding update of Flood Insurance Rate Maps. DISPOSITION = Town Engineer
94. Crime Prevention Association of W.N.Y. to Erie County Legislature -  
Comments and concerns regarding funding cuts in 2005 Erie County budget.  
DISPOSITION = Received & Filed
95. American Farmland Trust to Supervisor -  
Notice of meetings to be held on Thursday, March 3, 2005 regarding farmland protection.  
DISPOSITION = Received & Filed
96. NYS Public Service Commission to Town Board -  
Notice of public hearings to be held March 8, 2005 regarding National Fuel Gas proposed gas service rate increase. DISPOSITION = Received & Filed
97. Association of Erie County Governments to Town Board -  
Notice of meeting to be held Thursday, February 24, 2005, 6:30 PM in Hamburg.  
DISPOSITION = Received & Filed
98. Sharon Brooks to Supervisor -  
Notice of intention to retire effective February 11, 2005. DISPOSITION = Received & Filed
99. American Ref-Fuel to Supervisor -  
Notification of sale of American Ref-Fuel Company to Covanta Energy Corporation.  
DISPOSITION = Town Attorney

100. Erie County Department of Environment & Planning to Town Attorney -  
Recommendations and comments regarding concept plan of proposed Deer Run Estates.  
DISPOSITION = Planning Committee
101. Town Clerk to Various News Media -  
Notice of rescheduling of the regular meeting of Town Board from February 22, 2005 to  
February 28, 2005. DISPOSITION = Received & Filed
102. Highway Superintendent to Planning Board Chairman -  
Notice of no concerns regarding site plan of proposed Harris Hill Nursing Facility  
addition. DISPOSITION = Planning Committee
103. Town Clerk to Town Board -  
Special Use Permit application of Joseph Brainard for property at 5454 Genesee Street,  
collision shop. DISPOSITION = Resolution 2/28/05
104. The Association of Towns of the State of New York to Town Board -  
Transmittal of financial report for years ended December 31, 2004 and 2003.  
DISPOSITION = Received & Filed
105. Donald G. Symer to Town Board -  
Comments regarding the use of cement-lined asbestos water pipe.  
DISPOSITION = Town Engineer
106. Donald G. Symer to Town Board -  
Letter of appreciation for clearing obstruction in culvert at Kennedy Court.  
DISPOSITION = Received & Filed
107. Lancaster Industrial Development Agency to Town Board -  
Notice of Public Hearing to be held Thursday, March 3, 2005, 4:00 PM to consider  
financial assistance to Italian Gardens Real Estate Corporation project.  
DISPOSITION = Received & Filed

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL  
MEMBER AMATURA AND CARRIED, the meeting was adjourned at 9:59 P.M.**

Signed

  
Johanna M. Coleman, Town Clerk